

SWEIGERT V. GOODMAN, CIVIL CASE #: 1:18-CV-08653-VEC - SDA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
(FOLEY SQUARE)

SWEIGERT	CIVIL CASE #:
V.	1:18-CV-08653-VEC
GOODMAN	JUDGE VALERIE E. CAPRONI

MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S
MOTION FOR LEAVE TO ADD MARCUS CONTE AS
DEFENDANT PURSUANT TO RULE 20(A)(2)

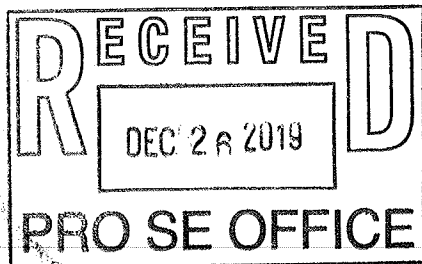
This pleading is responsive to ECF Doc. No. 124.

This pleading is true to the knowledge of the undersigned, except as to matters alleged on information and belief, and that as to matters that the undersigned believe are true. See N.Y. C.P.L.R. 3020.

Signed under penalty of perjury,



D. George Sweigert,
c/o General Delivery
Rough and Ready, CA 95975
Spoliation-notice@mailbox.org



12-17-19

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PROCEDURAL BACKGROUND

1. Presiding Judge Valeria Caproni issued an ORDER permitting the filing of a Second Amended Complaint (ECF Doc. No. 87). The Plaintiff filed is Second Amended Complaint (ECF Doc. No. 88). The Defendant Goodman (herein Def.) filed a “Third Party Claim Verified Complaint” against non-party Steve Outtrim (ECF Doc. No. 123). By endorsement to the *pro se* Plaintiff’s request for to add MARCUS CONTE as a co-defendant, Magistrate Judge Stewart D. (ECF Doc. 124) conditionally authorized this instant document providing it conformed to Fed.R.Civ.P. Rule 20(a)(2). Therefore, this document is hereby filed in compliance with **Doc. 124 (# 124)**. In this pleading the Plaintiff (undersigned) MOVES this Court to add CONTE as a joint **tortfeasor** or in the alternative as a **permissive joinder** pursuant **Rule 20(a)(2)**.

PRELIMINARY STATEMENT

2. Plaintiff seeks to join Marcus Conte to this action as a direct defendant and joint tortfeasor pursuant to Fed.R.Civ.P. Rule 20(a) and (b), as the Plaintiff may assert a right to common relief common to all defendants against Conte. Rule 20 permits joinder of a putative defendant (Conte) in a single action if there is asserted against them any right to relief arising out of “the same transaction, occurrence, or series of transactions or occurrences” and involving “any question of law or fact common to all defendants.” *Vanderzalm v. Sechrist Indus., Inc.*, 875 F. Supp. 2d 179 (E.D.N.Y. 2012)

3. In this Circuit, a liberal approach to joinder has been adopted to allow plaintiffs great liberty in consolidating claims and parties in single actions in order to promote judicial economy and avoid unnecessary, multiple lawsuits. See *Digital Sin, Inc. v. Does 1-176*, 279 F.R.D. 239, 243 (S.D.N.Y 2012) (“Under the Federal Rules of Civil Procedure, ‘the impulse is toward

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entertaining the broadest possible scope of action consistent with fairness to the parties; joinder of claims, parties and remedies is strongly encouraged.’”) (quoting *United Mine Workers of Am. Gibbs*, 383 U.S. 715, 724 (1966)).

4. “[T]he requirements of Rule 20 should be given a liberal interpretation.”); *Kovian v. Fulton County Nat. Bank and Trust Co.*, No. 86-CV-154, 1990 WL 36809, at *9 (N.D.N.Y. March 28, 1990) (same); *Williams v. Professional Collection Services, Inc.*, No. CV 04-286(JS) (ARL), 2004 WL 5462235, at *4 n. 1 (E.D.N.Y. Dec. 7, 2004) (“In deciding whether to permit joinder under Rule 20, the court is guided by the same liberal standard afforded to motions to amend pleadings under Rule 15.”). Thus, “[c]ourts have cautioned . . . that ‘severance [i]s a procedural device to be employed only in exceptional circumstances.’” *Deskovic v. City of Peekskill*, 673 F. Supp. 2d 154, 160 (S.D.N.Y. 2009) (citation omitted).

5. Plaintiff seeks relief for rights asserted against Conte and Goodman jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences pursuant to Rule 20(a)(2). These common questions of law include liability that Conte and Goodman have incurred pursuant to N.Y. Gen. Bus. Law § 349 and § 350, N.Y. Civ. Rights Law § 50 and § 51, garden variety negligent and intentional infliction of emotional distress (N.I.E.D. and I.I.E.D.), defamation *per se*, libel and slander (herein causes of action). These claims are asserted against both Def. Goodman and Conte.

6. This action was brought against Defendant (Def.) Jason Goodman for causes of action listed above. The **Def.** is also a defendant in another slander, libel and defamation lawsuit in the U.S. District Court for the Eastern District of Virginia - (Richmond), (*Steele v. Goodman*, Civil Action No. 3:17cv601 (E.D. Va. Jul. 25, 2019)—herein the Virginia lawsuit.

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7. Both Conte and **Def.** Goodman have joined forces against the undersigned. The **Def.** has joined, guided, associated with and conspired with **Marcus Conte** of Brooklyn, New York to push the **Def's** Virginia lawsuit conspiracy allegations onto social media with the aid of putative defendant Marcus Conte. The objective is to conflate the undersigned into the "Virginia lawsuit conspiracy" with a "*guilt by association*" scheme. This objective of this combined and joint effort includes imputing crimes, ethical lapses, moral lapses, mental disease, fugitive status, etc. upon the Plaintiff via Conte (Goodman's *alter ego*) social media broadcasts. This allows the **Def** to retreat from overt social media attacks directly on the Plaintiff and allow Mr. Conte to vicariously step into the role of "*grand inquisitor*" and fill **Def's** slander and defamation shoes.

8. Conte, while acting as **Def.** Goodman *alter ego*, has published nearly identical and uniformly aligned disparaging messages as has been distributed by **Def.** Goodman. Conte acts as **Def's alter ego** to provide continuity and continuation of Goodman's original smear campaigns against the undersigned. Both parties have met on several occasions to make social media video content jointly. Both share an animus for the Plaintiff as evidenced in their overly hostile social media smear campaigns designed to instill fear in the undersigned over loss of his trade, business, professional and technical reputation and fear for his personal safety. Both Conte and Def use public accusations of criminal activity, low morals, poor ethics, guilt by association, professional incompetence, fugitive status, creating terrorist plots, etc. Both have relied on filing malicious reports with the Federal Bureau of Investigation (F.B.I.) (malicious prosecution), etc. to cause the undersigned distress about his career, professional reputation, fear of his safety, loss of business opportunities, etc.

9. Both *alter ego* Conte and the Def have operated as a single logical entity with the same objectives that has caused both to incur nearly identical legal liabilities for these injuries

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sustained by the Plaintiff. The Court should recognize Conte and Goodman as joint tortfeasors. Def. Goodman seems to have scaled back his smear campaigns as of late and has apparently transferred the “command flag” to his *alter ego* Conte, who quickly picked up where Def. Goodman left off.

10. A common third party associated with both Conte and Def. Goodman has shared extensive communications with both. This common third-party has a professional reputation for operating litigation related smear campaigns – Manuel Chavez, III. Chavez was closely associated with a start-up “reputation defense” (smear campaign) boutique firm known as SHADOWBOX STRATEGIES. Both Conte and Def. Goodman have had extensive contact with Mr. Chavez (Carson City, Nevada).

11. Both Conte and **Def.** Goodman are joint tortfeasors as more fully described in the accompanying pleading entitled “**PLAINTIFF’S VERIFIED COMPLAINT AGAINST MARCUS CONTE**”, which is herein referenced as if fully restated herein. If the Court does not agree that Conte is a joint tortfeasor, then in the alternative, the Plaintiff prays that at the very least Conte should be joined under a permissive joinder to this lawsuit as a co-defendant.

12. Plaintiff seeks the pleadings and Court’s record in this lawsuit be amended as appropriate to reflect these facts and hold Conte and **Def** jointly liable for Plaintiff’s injuries, suffering, damage to career, damage to trade, professional and technical reputation, angst in dealing with criminal allegations, angst in dealing with multiple reports to law enforcement agencies by the pair, etc.

FACTUAL BACKGROUND

13. On two separate occasions Marcus Conte, a self-described 55 year old white male (199 Gelston Avenue, D1, Brooklyn New York, 11209), has sent electronic mail messages from his e-

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mail account (shorthappylife@gmail.com) to the Presiding Judge, Valerie Caproni (9/12/2019 and 12/3/2019). In the second e-mail message, a copy was sent (via cc:) to the Magistrate Judge Aaron D. Stewart. These e-mail messages were followed up with U.S. Mail delivery of the attached PDF document letters.

14. The transmission of these unauthorized e-mail messages was accompanied by putative defendant Conte's social media heralding of these e-mail transmissions. Conte's podcasts memorialized these e-mail transmissions which included Conte's content that the undersigned was facing criminal liability from this Court (perjury, witness tampering, etc.). Other social media podcasts include Conte's telephone calls made to the Federal Bureau of Investigation (F.B.I.) reporting the Plaintiff for purported criminal conduct. These podcasts pander to Conte's audience with the dramatic setting of communications to federal authorities of all types.

15. Conte operates several on-line social media accounts where he simultaneous posts his social media podcasts; include:

<https://youtube.com/c/marcusconte>
<https://dlive.tv/MarcusConte>
<https://twitter.com/ghostofbklyn>
<https://facebook.com/marcus.conte.7>
<https://minds.com/marcusconte>
<https://twitch.tv/marcusconte>
https://bitchute.com/channel/marcus_c...
<https://steemit.com/@marcusconte>
<https://d.tube/#!/c/marcusconte>
<https://gab.ai/marcusconte>

16. In Conte's e-mail message of 9/12/2019 to the presiding judge, Conte cites this lawsuit's case number and the complete mailing address of the judge's chambers and her honor's e-mail address. Conte alleged, in this widely disseminated e-mail message (posted publicly to Google Docs), that, "[n]ot only is Plaintiff a documented conspiracy kook, he engages in routine online

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Cyber Bullying, Harassment & Perjury,” (letter is attached as **EXHIBIT ONE** to the accompanying **PLAINTIFF’S VERIFIED COMPLAINT AGAINST MARCUS CONTE**). Conte continues, “Sweigert commits perjury against the Court because he is deliberately misleading the Court about his Public online presence & nefarious engagement”. Conte goes on to accuse the undersigned of violations of 18 U.S.C. § 1001(a).

17. The title of the particular video (described above) is , “Dave Acton Sweigert Charged With Cyber Bullying, Harassment & Perjury Before SDNY Judge Valeria E. Caproni 1:18-CV-08653-VEC”. Conte made the letter available via Google Docs to world-wide distribution at Uniform Resource Locator (URL):

<https://drive.google.com/file/d/1GNH5Wkf7rivxFBaZpiao1dckwSpCIV4p/view>

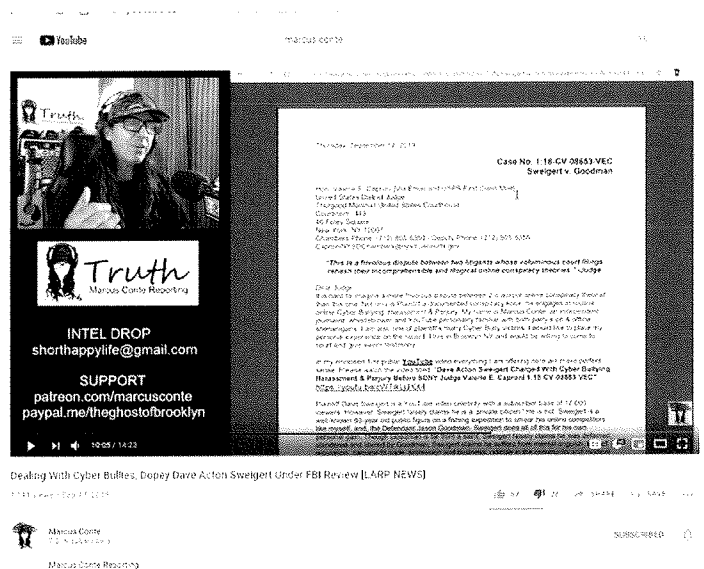
18. In Conte’s second e-mail communication to the presiding judge and the magistrate judge (attached as **EXHIBIT TWO** to the accompanying **PLAINTIFF’S VERIFIED COMPLAINT AGAINST MARCUS CONTE**) on 12/3/2019 Conte accuses the undersigned of “willfully and repeatedly engaged in Witness Tampering in violation of 18 U.S.C. § 1512 (b).” According to Conte the “Plaintiff frames Def. Jason Goodman & myself as kidnappers in a domestic terror operation that uses a flame-throwing drone to blow up LNG tanks in the Port of Corpus Christie TX”. Conte then adds, “[h]ere is the law that I believe he is in violation of at least 24 times” 18 U.S.C. 1512. Tampering with a witness, victim, or an informant.” Conte provided an attached PDF file with the e-mail message and Google Docs link; URL

<https://drive.google.com/file/d/1H7EM3QSTFG4KyqK83xboabiyZAgLM17v/view> .

19. In Conte’s video podcast entitled, “Dealing With Cyber Bullies; Dopey Dave Acton Sweigert Under FBI Review [LARP NEWS],” published 9/17/2019, accompanied with the video description “Marcus Conte Reporting... <https://patreon.com/marcusconte>

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<https://paypal.me/theghostofbrooklyn>.” Mr. Conte included commentary that the plaintiff was a “sociopath”, “psychopath” and “criminal”, etc.; see below.



20. Mr. Conte displays his first letter and e-mail message to the presiding judge with his commentary. At time-mark 3:55 Conte begins his recorded discussion with an F.B.I. agent and names the Plaintiff and conflates the undersigned with another third-party “Thomas Schonberger”. The crux of the F.B.I. call is that the Plaintiff and Thomas Schoenberger are engaged in a variety of illegal misconduct directed at Conte – cyber stalking, harassment, etc.”

21. As the Court will learn, the Plaintiff has no relationship whatsoever with Thomas Schoenberger (who was named by Def. Jason Goodman several times as a member of the vast conspiracy of players associated with Goodman’s Virginia lawsuit ((*Steele v. Goodman*, Civil Action No. 3:17cv601 (E.D. Va. Jul. 25, 2019)). Def. Goodman filed documents in the Virginia lawsuit that accused Thomas Schoenberger of someone “placed high in the organization of the monetized conspiracy.” Reference ECF Doc. No. 134, para. 13, shown below.

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13. On or around June 2019, Manuel Chavez III voluntarily shared some of his personal emails with Defendant. Among these were messages Chavez claims are communications

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from Thomas Shoenberger, an individual unknown to Defendant who may in fact be highly placed in the organization of the monetized conspiracy to harass and defame Defendant Goodman. The emails from Shoenberger provide talking points for a plan to attack Defendant Goodman's reputation with false allegations claiming Goodman is an agent of Israel and / or paid by Mossad.

22. Def Goodman identified the person **Manuel Chavez, III** as the person that was an integral player in a "Virginia lawsuit conspiracy". Mr. Chavez created a "reputation defense" (smear campaign) firm known as SHADOWBOX STRATEGIES to assist the defendant in a federal lawsuit known as Ed Butowski; *Rich v. Edward Butowski* lawsuit (U.S.D.C. for D.D.C. *Rich v. Butowski*, CASE #: 1:18-cv-00681-RJL), herein the "Aaron Rich lawsuit". Chavez was a subpoenaed as witness in that litigation, as well as Thomas Schoenberger (the two that formed **SHADOWBOX STRATEGIES**).

23. Based upon the totality of evidence, reason and belief, it is alleged that both Conte and Def Goodman have jointly created the YouTube channel known as "Dopey Dave" to serve as a conduit for the continual non-stop smear campaign directed at both the undersigned and Thomas Schoenberger. To illustrate:

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RV Chase: Dave Acton & Thomas Schoenberger Run From Police

Dopey Dave • 424 views • 3 weeks ago

I-LUV-SDNY Hey everybody it's Dave! D. George Sweigert who is Dave Acton Dave Sweigert; Thomas Schoenberger, Dan ...



Dave Acton & Thomas Schoenberger met in a mental institution

Dopey Dave • 127 views • 1 week ago

I-LUV-SDNY Hey everybody it's Dave! D. George Sweigert who is Dave Acton Dave Sweigert; Thomas Schoenberger, Dan ...



LEPPO (Dan Cromer) Joins Dave Acton & Thomas Schoenberger on Skid Row

Dopey Dave • 245 views • 2 weeks ago

I-LUV-SDNY Hey everybody it's Dave! D. George Sweigert who is Dave Acton Dave Sweigert; Thomas Schoenberger, Dan ...



Why Dave Acton & Thomas Schoenberger Hate Marcus Conte

Dopey Dave • 242 views • 2 weeks ago

I-LUV-SDNY Hey everybody it's Dave! D. George Sweigert who is Dave Acton Dave Sweigert; Thomas Schoenberger, Dan ...



Dave Acton Suffers From Paranoid Schizophrenia

Dopey Dave • 140 views • 5 days ago

I-LUV-SDNY Hey everybody it's Dave! D. George Sweigert who is Dave Acton Dave Sweigert; Thomas Schoenberger, Dan ...

New

LAW AND ARGUMENT

24. At this stage of joint tortfeasor determination, the movant Plaintiff must meet the first requirement of the Rule 20(a)(2) requirement. "Rule 20(a) allows persons to be joined as defendants in a single action if (1) "any right to relief is asserted against them jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences" and (2) "any question of law or fact common to all defendants will arise in the action." Fed. R. Civ. P. 20(a)(2). "As is clear from the plain language of Rule 20(a)(2), both criteria must be met for joinder to be proper." *Deskovic v. City of Peekskill*, 673 F. Supp. 2d 154 (S.D.N.Y. 2009) at 159 (collecting cases).

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25. While a party seeking joinder must satisfy both prongs of Rule 20(a), the two prongs are “not rigid tests. They are flexible concepts used by the courts to implement the purpose of Rule 20 and therefore are to be read as broadly as possible whenever doing so is likely to promote judicial economy.” *Kassman v. KPMG LLP*, 925 F. Supp. 2d 453, 477 (S.D.N.Y. 2013) (citation omitted). Thus, the two prongs “cannot be considered mechanically independent. There is feedback between both standards.” *Hanley v. First Investors Corp.*, 151 F.R.D. 76, 79 n. 4 (E.D. Tex. 1993).

A. OVERLAPPING FACTUAL AND LEGAL ISSUES

26. As to the first Rule 20(a) requirement, transactional relatedness, “the court must assess the logical relationship between the claims and determine whether the ‘essential facts of the various claims are so logically connected that considerations of judicial economy and fairness dictate that all the issues be resolved in one lawsuit.’” *Id.* at 166; see also *United States v. Aquavella*, 615 F.2d 12, 22 (2d Cir. 1979).” *Brand v. Aierbushe*, 19-CV-2518 (VEC) (S.D.N.Y. May. 3, 2019)

27. There are several overlapping factual and legal issues shared between Conte and the **Def.**, to include the same players that the **Def.** has alleged are involved in a Virginia lawsuit civil conspiracy with the Plaintiff (Chavez, Outtrim, Fougere and Schoenberger). **Def.** Goodman’s social media messaging of the Virginia lawsuit “conspiracy of players” is also prominent in Conte’s social media podcasts – issues that have nothing to do with Conte. Yet, Conte continually attempts to “*shoe horn*” and insert the Plaintiff into this Virginia lawsuit conspiracy by alleging a close relationship between the Plaintiff and Thomas Schoenberger. The totality of evidence indicates that it is only these “Virginia lawsuit” personalities that putative defendant Conte attacks, causing one to question Conte’s level of personal interest in these matters. These

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“Virginia lawsuit players” are an issue for the **Def.** and not Conte. (“In light of the overlapping factual and legal issues involved in this case, the Court finds that judicial economy will be furthered by preventing the proliferation of multiple litigations.”), report and recommendation adopted, *Bruno v. Zimmer, Inc.*, CV 15-6129, 2018 WL 671234 (E.D.N.Y. Feb. 1, 2018).

28. In the **Def.’s** “First Request for Production of Documents” (ECF Doc. No. 117) discovery is sought from the same set of common individuals as discussed at length by Conte, such as: Steve **Outtrim** at para. 5 (page 6), Manuel **Chavez**, III at para. 6, Thomas **Schoenberger** at para. 7, and Conte himself -- Marcus Conte at Para. 11. This is only one instantiation of the commonality of players involved with Conte and the **Def.**

29. The Supreme Court has ruled joinder is proper when, like this case, defendants’ actions arose out of the same system of conduct, even if they did not interact directly with each other.

United States v. Mississippi, 380 U.S. 128 (1965)

30. Absolute identification of all events is unnecessary. According to the Supreme Court, Plaintiff merely needs to show some degree of factual commonality—a rather low hurdle in light of liberal construction afforded to joinder—not map out in specific detail each interaction among the various defendants. See *United States v. Mississippi*, 380 U.S. 128, 142 (1965)

31. ““The cases make equally clear that the fact that the defendants are independent actors does not preclude joinder as long as their actions are part of the "same transaction, occurrence, or series of transactions or occurrences." The decision of the Supreme Court in *United States v. Mississippi*, 380 U.S. 128, 85 S.Ct. 808, 13 L.Ed.2d 717 (1965).””, *In re EMC CORPORATION, Decho Corporation, and Iomega Corporation, Petitioners*, 677 F.3d 1351 (2012).

32. As more fully described in the accompany pleading “PLAINTIFF’S VERIFIED COMPLAINT AGAINST MARCUS CONTE” there is little doubt as to the commonality and

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jointness of the actions undertaken by Conte and Def. Goodman against the undersigned. Both have exhibited malice, have publicly stated allegations of criminal misconduct, have initiated law enforcement investigations, have insinuated ethical breaches, insinuated mental illnesses, etc.

33. Both Conte and Def. Goodman have a long history with Manuel Chavez, III, the professional “reputation protection” (aka smear campaigns) expert that has a non-trivial involvement in the Virginia lawsuit.

34. In determining what constitutes a transaction or occurrence for Rule 20(a) purposes, courts often look to Fed. R. Civ. P. 13(a) for guidance. *Kehr ex. rel. Kehr*, 595 F. Supp. 2d at 826. For Rule 13(a) purposes and therefore, for Rule 20(a) purposes, “‘transaction’ is a word of flexible meaning. It may comprehend a series of many occurrences, depending not so much upon the immediateness of their connection as upon their logical relationship.” *Id.* (quoting *Moore v. New York Cotton Exchange*, 270 U.S. 593, 610 (1926)).

35. Accordingly, Courts have interpreted the term to encompass “all logically related claims.” *Sanchez v. O’Connell*, No. 3:08cv706 (JBA), 2010 WL 7862797, at *1 (D. Conn. Sept. 27, 2010); *Hall v. E.I. Du Pont De Nemours & Co., Inc.*, 345 F. Supp. 353, 381 (E.D.N.Y. 1972) (“[T]he approach must be the general one of whether there are enough ultimate factual concurrences that it would be fair to the parties to require them to defend jointly” against the several claims.”); *C.A.B. v. Carefree Travel, Inc.*, 513 F.2d 375, 384 (1975) (finding joinder proper where “[t]he operative facts are related, even if the same transaction is not involved.”). See also *Mosley v. General Motors Corporation*, 497 F.2d 1330 (8th Cir. 1974) at 1332 (holding “all logically related events entitling a person to institute a legal action against another generally are regarded as comprising a transaction or occurrence”).

*SWEIGERT V. GOODMAN, CIVIL CASE #: 1:18-CV-08653-VEC - SDA***B. ISSUES RELATED TO JUDICIAL EFFICIENCY**

36. The purpose of Rule 20 is to promote "trial convenience and to expedite the final determination of disputes." *Vanderzalm v. Sechrist Indus., Inc.*, 875 F. Supp. 2d 179, 183 (E.D.N.Y. 2012) (Spatt, J.) (internal citations and quotations omitted). "The requirements of FED. R. CIV. P. 20(a) are to be interpreted liberally to enable the court to promote judicial economy by permitting all reasonably related claims for relief by or against different parties to be tried in a single proceeding."

37. The Plaintiff's claims against Conte are such that an independent action could be brought in him in the Eastern District of New York (E.D.N.Y.). However, this creates a danger in obtaining varying and different legal outcomes for nearly an identical fact pattern. Further, such an independent action will create a multiplicity of litigation proceedings that will burden two courts instead of one. The S.D.N.Y. is very familiar with the issues associated with the legal liabilities associated with social media footprints of Def. Goodman, which can be easily transferred to Mr. Conte's liabilities to achieve uniformity in the proceedings.

38. Although there is no bright-line definition of "transaction" or "occurrence," courts routinely hold that, "all 'logically related' events entitling a person to institute a legal action against another generally are regarded as comprising a transaction or occurrence." *Mosley v. Gen. Motors Corp.* (8th Cir. 1974) 497 F.2d 1330, 1333 ("Mosley II") at 1333. The application of this test is "to be construed liberally" because it promotes judicial economy, expedites the final determination of disputes, and prevents multiple lawsuits. *United Mine Workers of Am. v. Gibbs* (1966) 383 U.S. 715, 724 ("the impulse is toward entertaining the broadest possible scope of action consistent with fairness to the parties; joinder of claims, parties and remedies is strongly encouraged.").

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39. The Court is reminded that Conte has already placed himself under the *de facto* jurisdiction of this court via his e-mail and postal communications to the presiding judge and magistrate, which in effect, communicate Conte's willingness to participate in the proceedings in this forum.

CONCLUSION

40. For the foregoing reasons, as well as those set forth in the accompanying PLAINTIFF'S VERIFIED COMPLAINT AGAINST MARCUS CONTE, the undersigned respectfully requests that this Court ADD Marcus Conte as a co-defendant justified by either (1) Conte's status as a joint tortfeasor, and/or (2) as a permissive joinder pursuant to Rule 20(a)(2).

41. Both Conte and Def. Goodman are joint tortfeasors as more fully described in the accompanying pleading entitled "**PLAINTIFF'S VERIFIED COMPLAINT AGAINST MARCUS CONTE**", which is herein referenced as if fully restated herein. If the Court does not agree that Conte is a joint tortfeasor, then in the alternative, the Plaintiff prays that at the very least Conte should be joined under a permissive joinder to this lawsuit as a co-defendant.

42. Recall that "all logically related events entitling a person to institute a legal action against another generally are regarded as comprising a transaction or occurrence"). *Mosley*, 497 F.2d at 1332 (8th Cir. 1974)

43. This Court should declare a Conte as a joint tortfeasor, or in the alternative, as a Rule 20(a)(2) permissive joinder. The purpose of Fed. R. Civ. P. Rule 20 is to "promote trial convenience and expedite the final determination of disputes, thereby preventing multiple lawsuits." *Formosa Plastics Corp., U.S.A. v. ACE Am. Ins. Co.*, 2009 U.S. Dist. LEXIS 71712 (D.N.J. Aug. 14, 2009); *King v. Pepsi Cola Metro. Bottling Co.*, 86 F.R.D. 4, 6-7 (E.D. Pa. 1979)) *Mosley v. General Motors Corp.*, 497 F.2d 1330, 1332 (8th Cir. 1974) (citation omitted).

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The purpose of Rule 20(a) is to "promote trial convenience and expedite the final determination of disputes, thereby preventing multiple law suits." 7 Charles Alan Wright, et al., Federal Practice and Procedure § 1652 at 395 (3d ed. 2001).

44. For all the foregoing reasons, this Court should ADD Marcus Conte as a defendant to this instant lawsuit and accept Mr. Conte's gracious offer (transmitted via e-mail and postal mail) to appear before this Court.

STATEMENT AND VERIFICATION

45. This pleading is true to the knowledge of the undersigned, except as to matters alleged on information and belief, and that as to matters that the undersigned believe are true. See NY C.P.L.R. 3020.

Signed under penalty of perjury,

 /

D. George Sweigert,
c/o General Delivery
Rough and Ready, CA 95975

12.19.19

SWEIGERT V. GOODMAN, CIVIL CASE #: 1:18-CV-08653-VEC - SDA

***D. G. SWEIGERT, C/O
GENERAL DELIVERY
ROUGH AND READY, CA 95975
Spoliation-notice@mailbox.org***

D George Sweigert

Plaintiff

v.

Jason Goodman

Defendant

CIVIL CASE #: 1:18-CV-08653-VEC

JUDGE VALERIE E. CAPRONI

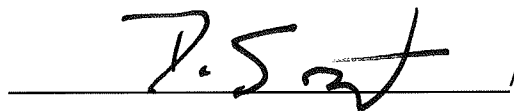
MAGISTRATE STEWART D. AARON

CERTIFICATE OF SERVICE

**I HEREBY ATTEST that a true copy of the attached pleadings have been sent to the
following addressees on the 19th day of December 2019.**

**Jason Goodman, CEO
Multi-media Design Systems, Inc.
252 7th Avenue, Apart. #6S
New York, NY 10001**

**PRO SE OFFICE, Room 200
U.S. District Court
500 Pearl Street
New York, New York 10007-1312**



D. GEORGE SWEIGERT

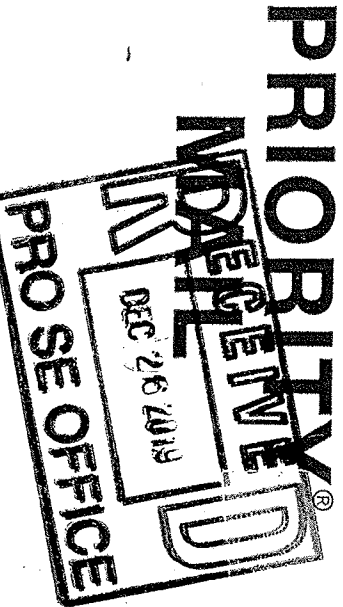
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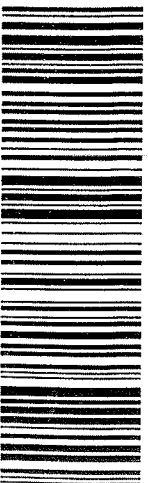
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